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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,229	03/09/2004	Masanori Nonomura	F-8184	2174
28107	7590	09/25/2006		
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER FISCHER, JUSTIN R	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/796,229

Applicant(s)

NONOMURA ET AL.

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/942857.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: line 3 contains the word "claiming" and it appears that the claim should read --clamping--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The last line in claims 4 and 5 contains the language "the thermoset resins". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zielinski (DE 3042609). Zielinski discloses an apparatus for joining optical fibers in which first and second pins 1,4 (associated with first and second optical fibers) are rotated into alignment with a microscope (imaging means) and subsequently inserted

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into a coupling sleeve 5. While not expressly depicted, it is evident that the coupling sleeve must be held by a support structure or clamping element and such is seen to constitute a ferrule clamping means. Furthermore, as noted above, each of the pins associated with an optical fiber is rotated after inspection by a microscope- the elements that are connected to each pin/fiber assembly and cause them to rotate are seen to constitute fiber cable clamping means. Lastly, while it is unclear if the process of Zielinski includes a control system, the reference does suggest that the respective assemblies are rotated into alignment with the aid of an imaging means or microscope. It is extremely well known to use control systems in a wide variety of processes in order to improve the efficiency of a given process. One of ordinary skill in the art at the time of the invention would have found it obvious to use a control system to evaluate the alignment of the respective assemblies (image processing means) and subsequently rotate the respective assemblies via a signal (orientation adjustment controlling means). It is emphasized that the general disclosure of Zielinski does suggest that the markings are evaluated by a microscope and the assemblies are rotated accordingly.

With respect to claim 3, the apparatus of Zielinski, as detailed above, has the capability of rotating and checking the orientation of the assemblies.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zielinski as applied in claims 2 and 3 above and further in view of DE '039. As set forth above, Zielinski substantially teaches the apparatus of the claimed invention. While the reference fails to include a heating means, it is extremely well known to include such a component in similar optical fiber joining apparatus in order to strongly attach the

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coupling sleeve to the optical fiber assembly, as shown for example by DE '039. One of ordinary skill in the art at the time of the invention would have found it obvious to include a heating means in the apparatus of Zielinski, it being emphasized that the method of Zielinski does involve the placement of optical fibers within a coupling sleeve (although not expressly described as heat shrinkable, one of ordinary skill in the art at the time of the invention would have expected such since it represents an extremely well known and conventional sleeve). Lastly, as mentioned above, the inclusion of a control system, and thus a heatup controlling means, would have been obvious to one of ordinary skill in the art at the time of the invention as it represents an extremely well known and conventional design of apparatus that improves the efficiency of a given process.

### ***Conclusion***

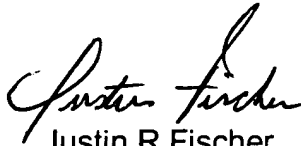
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Westerman (GB 2,282,638) is directed to a joining apparatus having first and second rotatable clamping means.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Justin R Fischer  
Primary Examiner  
Art Unit 1733

JRF  
September 19, 2006